

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DANE WILSON,

Plaintiff,

-against-

**ORDER**  
23-CV-7771 (NRM) (CLP)

THE CITY OF NEW YORK, *et al.*,

Defendants.

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NINA R. MORRISON, United States District Judge:

Plaintiff Dane Wilson, appearing *pro se*, filed this complaint on October 16, 2023. ECF No. 1. Plaintiff also applied to waive the \$402 filing fee by submitting an *in forma pauperis* (“IFP”) application pursuant to 28 U.S.C. § 1915(a). ECF No. 2. For the reasons set forth below, the Court denies Plaintiff’s IFP application without prejudice.

The purpose of the IFP statute, 28 U.S.C. § 1915, is to provide indigent persons with equal access to the judicial system. The statute is “intended for the benefit of those too poor to pay or give security for costs.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 344 (1948). A plaintiff seeking to proceed IFP must submit an affidavit stating “that the person is unable to pay” filing fees “or give security therefor” and must also include “a statement of all assets” the person possesses. 28 U.S.C. § 1915(a)(1). A plaintiff qualifies to proceed IFP if he “cannot because of his poverty pay or give security for” the costs of filing “and still be able to provide himself and [his] dependents with the necessities of life.” *Adkins*, 335 U.S. at 339 (internal quotation marks omitted). Whether a plaintiff qualifies for IFP status is within the discretion of the district court. *See, e.g., Chowdhury v. Sadovnik*, Nos. 17-CV-2613, 17-CV-2614 (PKC), 2017 WL 4083157, at \*1 (E.D.N.Y. Sept. 14, 2017); *Pinede v. N.Y.C. Dep’t of Env’t Prot.*, No. 12-cv-6344 (CBA), 2013 WL 1410380, at \*2 (E.D.N.Y. Apr. 8, 2013).

Here, the Court cannot determine from Plaintiff's IFP application whether he is entitled to IFP status. In his application, Plaintiff indicated that he is employed, but also that he is incarcerated and, under "2. *If not incarcerated*. If I am employed, my employer's name and address are," did not list an employer's information. ECF No. 2 at 1. In addition, Plaintiff indicated that he receives income from other sources under "3. *Other Income*," but did not provide the amount of income he receives for each source of income for which he checked the "Yes" box. *Id.* Plaintiff also left blank "4. Amount of money that I have in cash or in a checking or savings account." *Id.* at 2. And while Plaintiff indicated that he has regular monthly expenses (under "6. Any housing, transportation, utilities, or loan payments, or other monthly expenses") and financial obligations (under "8. Any debts or financial obligations"), he did not provide the amounts for those expenses and obligations as required by the form. *Id.* Without this information, the Court cannot properly assess whether Plaintiff is entitled to IFP status.

### CONCLUSION

Accordingly, Plaintiff's IFP application is denied without prejudice. In order to proceed with this action, Plaintiff must either file an amended IFP application within 14 days of the date of this Order or pay the \$402 filing fee to the Clerk of Court within 14 days of the date of this Order. If Plaintiff files an amended IFP application, he must answer each question on the form and provide the information requested. If questions arise as Plaintiff prepares an amended IFP application, he may contact the City Bar Justice Center's Federal Pro Se Legal Assistance Project for free, limited-scope legal assistance at (212) 382-4729. For information regarding court procedures, Plaintiff may contact the Pro Se Office at the United States Courthouse at (718) 613-2665. If Plaintiff fails to comply with this Order within the time allowed or fails to show good cause why he cannot comply, the case shall be dismissed without prejudice.

The Clerk of Court is respectfully directed to send a long form IFP application with a copy of this Order to Plaintiff and to note the mailing on the docket.

SO ORDERED.

/s/ NRM

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NINA R. MORRISON  
United States District Judge

Dated: October 26, 2023  
Brooklyn, New York